

**REMARKS****Restriction Requirement**

The Office Communication of June 26, 2006 has been received and reviewed. Claims 1-52 are currently pending in the application and subject to a Restriction Requirement. (*See*, Office Communication of June 26, 2006, at page 2, hereinafter “Office Communication”). The Examiner has required election in the present application between Groups I-X as defined in the Office Communication.

The Examiner reminds Applicants that because the present Restriction is between a product and its process of use, where Applicants elect claims directed to the product, and a product is subsequently found allowable, withdrawn process claims that depend from or otherwise include all the limitations of the allowable product claims will be rejoined in accordance with the provisions of M.P.E.P. § 821.04. (*See, Id.* at pages 3 and 6). Such process claims that depend from or otherwise include all the limitations of the patentable product are entered as a matter of right if the amendment is presented prior to final rejection or allowance, whichever is earlier. Furthermore, in the event of rejoinder, Applicants understand that the requirement for restriction between the product claims and the rejoined process claims will be withdrawn, and the rejoined process claims must be fully examined for patentability according to the provisions of M.P.E.P. § 1.104.

**Thus, for the purpose of continuing prosecution of the present application, Applicants elect, with traverse, Group II, claims 13-19, drawn to polypeptides.**

It is noted that Groups II and V are drawn to the exact same class and subclass, according to the USPTO classification system. Thus, a search of the peptides of Groups II and V together

would not be over burdensome. Therefore, groups II and V should be combined to include at least claims 13-19 and 41.

Furthermore, it is noted that the subject matter of Group I are nucleic acids which actually encode the peptides of Group II. Thus, in searching for one, the Examiner is by default also searching for the other. Thus, it would also not be an undue burden placed upon the USPTO to search for both groups and Groups I and II should be combined to include all of claims 1-31.

Thus, reconsideration and withdrawal of the Restriction Requirement, at least with respect to Groups I, II and V, are respectfully requested.

### **Species Election**

The Examiner has also imposed a species election encompassing different disease as defined in claims 42 and 50. (*Id.* at page 6). Thus, Applicants are required to also elect a single species. Upon the allowance of a generic claim, such as claims 41 and 49, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141. (*Id.*).

**Thus, for the purpose of continuing prosecution of the present application, Applicants elect to prosecute, with traverse, the species identified in claim 42 as neurodegenerative diseases.**

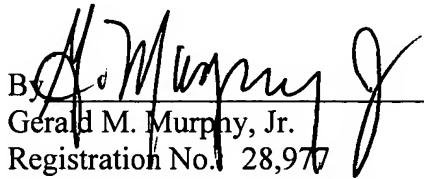
Regarding the Restriction Requirement with respect to the species election, Applicants traverse on the grounds provided, above, with respect to Groups I, II and V.

If the Examiner has any questions or comments, please contact Thomas J. Siepmann, Ph.D., Registration No 57,374 at the offices of Birch, Stewart, Kolasch & Birch, LLP.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,

  
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